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6 UNITED STATES BANKRUPTCY COURT
7 FOR THE DISTRICT OF NEVADA
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9 In re:) BK-
10) Chapter 13
11) Date:
12) Time:
Debtor(s).)
_____)

13 **ORDER TO VALUE COLLATERAL; ORDER TO AVOID LIEN**

14 THIS MATTER having come before the Court for a hearing on _____, on
15 Debtor's MOTION TO VALUE COLLATERAL; MOTION TO AVOID LIEN, and based upon
16 the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

17 1. The Debtor's principal residence located at
18 _____ (the "Subject Property") is valued at
19 _____ as of the date of Debtor's Chapter 13 Petition.

20 2. The Subject Property is collateral for a senior secured claim of
21 _____ ("Senior Lienholder").

22 **[Check only one box, and fill in blanks]**

23 ☐ Senior Lienholder has filed a Proof of Claim _____ related to
24 such claim, and such Proof of Claim claims a debt of _____. Senior
25 Lienholder's Proof of Claim indicates that Senior Lienholder has assigned
26 _____ to this claim.

27 **[or]**

28 ☐ Senior Lienholder has **not** filed a Proof of Claim related to its claim, but

has assigned to this claim. The Debtor's schedules list the amount of Senior Lienholder's claims as .

3. The Subject Property is also collateral for a junior secured claim of ("Junior Lienholder").

[Check only one box, and fill in blanks]

☐ Junior Lienholder has filed a Proof of Claim related to such claim, and such Proof of Claim claims a debt of . Junior Lienholder's Proof of Claim indicates that Junior Lienholder has assigned to this claim.

[or]

☐ Junior Lienholder has *not* filed a Proof of Claim related to its claim, but has assigned to this claim. The Debtor's schedules list the amount of Junior Lienholder's claims as .

4. Given the above, Junior Lienholder's interest in the Debtor's interest in the Subject Property has no value.

THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to Zimmer v. PSB Lending Corp. (*In re Zimmer*), 313 F.3d 1220 (9th Cir. 2002), and 11 U.S.C. §§ 506(a) and 506(d), Junior Lienholder's claim is unsecured, and shall be treated as unsecured for all purposes in this case, including the manner in which such claim is treated and paid in Debtor's chapter 13 plan; and

IT IS FURTHER ORDERED THAT, should Debtor receive a discharge in this case, Junior Lienholder shall as soon as practicable thereafter take all necessary and appropriate steps to remove its lien of record, and to ensure that Debtor's title to the Subject Property is clear of any cloud on title related to Junior Lienholder's claim. This court hereby reserves jurisdiction with respect to any dispute over the actions necessary to comply with this paragraph; and

IT IS FURTHER ORDERED THAT, should this case be converted to one under another chapter, 11 U.S.C. § 348(f) shall govern the continued validity of this order; and

IT IS FURTHER ORDERED THAT, should this case be dismissed, 11 U.S.C. § 349(b)(1)-(3) shall govern the continuing validity of this order; and

1 IT IS FURTHER ORDERED THAT nothing in this order shall be deemed to be an
2 allowance or disallowance of any claim of Senior Lienholder or Junior Lienholder, and any party
3 in interest, including the Debtor or the Trustee, may hereafter object to either claim on any
4 ground recognized by the Bankruptcy Code.

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